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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,032	03/10/2004	Shigeharu Ushiwata	1297.43489X00	2135

20457 7590 04/28/2008
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ARLINGTON VA 22209-3873

In re Application of:	:	
Ushiwata, Shigeharu et al	:	
Serial No.: 10/796,032	:	
Filed: Mar. 10, 2004	:	Decision on Petition to
Docket: 1297.43489X00	:	Withdraw Holding of
Title: MITER SAW HAVING LIGHT BEAM	:	Abandonment
PROJECTION DEVICE	:	

This is a decision on the petition filed Oct. 12, 2007 requesting the holding of abandonment be withdrawn. This petition is being considered pursuant to 37 CFR § 1.181. No fee is required.

The petition is Granted.

The application was held abandoned for failure to timely and properly reply to the Notice of Allowance mailed Feb. 28, 2007. The Office action set a three (3) month period for the applicant to pay the issue fee. No response was received and no extensions of time under 37 CFR § 1.36(a) were requested. The notice of abandonment was mailed Oct. 3, 2007 for failure to pay the issue fee.

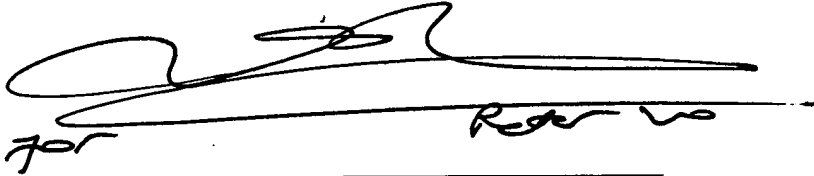
On Oct. 12, 2007, the current petition was filed. In support of the request, petitioner stated that the Notice of Allowance of Feb. 28, 2007 was never received at the correspondence address of record. The petition also included a statement that a search and review of the file jacket was made. Petitioner also provided a copy of the file jacket and docket records for such non-received Office action. Moreover, the non-receipt of Notice of Allowance was discussed with the examiner and a corrected Notice of Allowance was mailed on Jul. 12, 2007 with three months to pay the issue fee. A copy of the corrected fee transmittal (Form 85) clearly showing the new issue fee due date of Oct. 12, 2007 is provided. The issue fee was in fact paid on Oct. 12, 2007 as indicated in PALM.

As the petitioner has provided convincing evidence that a timely payment of issue fee to the Corrected Notice of Allowance was received on Oct. 12, 2007, there is no abandonment in fact.

Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed Oct. 3, 2007 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the Office of Publication for issuance of a patent.

Petition Granted.

A handwritten signature in black ink, appearing to read "Fred R. Schmidt", is written over a horizontal line. To the left of the signature, the letters "for" are handwritten.

Frederick R. Schmidt, Director
Technology Center 3700